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MISCELLANY.

ALLOWANCES BY THE COURT TO REAL ESTATE AGENTS.—Believing that it will be of interest to bench and bar of the state to know of the rule established by the Chancery Court of the City of Richmond in the matter of allowances to real estate agents, we print in full an order entered by that court:

“The Bar Association of the City of Richmond having brought to the attention of this Court the matter of the allowances now made by the Court to real estate agents in certain cases, and also the matter of the rebate or discount now allowed to the said agents by the newspapers on bills for advertising the sales of real estate under the orders of the Court; and the Court having heard those matters discussed at its bar by attorneys representing said Bar Association and the said real estate agents, respectively, and having maturely considered the same, doth now adjudge and order as follows:

“The Court doth establish the following as a schedule or tariff of maximum allowances which will be made from and after the 1st day of May, 1899, and until otherwise ordered by the Court, to real estate agents for their services—

“(1) to this Court or to Special Commissioners, Receivers, Trustees, and all other persons acting under the orders of this Court, and

“(2) to Executors, Administrators, and other Fiduciaries who derive their authority from this Court or who are required by law or by any order of this Court to report their accounts as such or the accounts of such sales to this Court for its action, and

“(3) to Trustees in deeds of trust when such trustees are required to sell subject to the approval of this Court or to report their sales to this Court for its action, and

“(4) in all cases not herein enumerated in which this Court shall be called on to fix the compensation of said real estate agents,—in connection with all sales of real estate made on or after the 1st day of May, 1899, wherein such real estate agents shall act as agents, and not merely as criers of the property, *viz.*:

“When the purchase price (not for each piece, but for all the property sold under the same decree) is Five Thousand Dollars (\$5,000.00) or under, a commission of one and one-half *per centum* on the purchase price;

“When such purchase price exceeds Five Thousand Dollars (\$5,000.00), but does not exceed Fifteen Thousand Dollars (\$15,000.00), a fee of Seventy-five Dollars (\$75.00) and a commission of one and one-fourth *per centum* on each One Thousand Dollars, or fractional part thereof, in excess of Five Thousand Dollars;

“When such purchase price exceeds Fifteen Thousand Dollars (\$15,000.00) but does not exceed Twenty-five Thousand Dollars (\$25,000.00), a fee of

Two Hundred Dollars (\$200.00) and a commission of one *per centum* on each One Thousand Dollars, or fractional part thereof, in excess of Fifteen Thousand Dollars;

"When such purchase price exceeds Twenty-five Thousand Dollars (\$25,000.00) but does not exceed Fifty Thousand Dollars (\$50,000.00), a fee of Three Hundred Dollars (\$300.00) and a commission of three-fourths of one *per centum* on each One Thousand Dollars, or fractional part thereof, in excess of Twenty-five Thousand Dollars;

"When such purchase price exceeds Fifty Thousand Dollars (\$50,000.00), a fee of Five Hundred Dollars (\$500.00), unless some other fee shall be agreed on between the agent and the officer of the Court, with the approval of the Court, in advance of the sale;

"When the service rendered is merely that of crying the property, a fee of Ten Dollars.

"It is further ordered that from and after the 1st day of May, 1899, and until otherwise ordered by the Court, the Court will allow to real estate agents whatever rebate or discount (not exceeding twenty-five *per centum*) may be allowed to said agents by the newspapers on bills for advertising the sale of any real estate which may be sold on or after the 1st day of May, 1899, under any order of this Court, or by Executors, Administrators, and other Fiduciaries who derive their authority from this Court or who are required by law or by any order of this Court to report their accounts as such or the accounts of such sales to this Court for its action, or by Trustees in deeds of trust when such trustees are required to sell subject to the approval of this Court or to report their sales to this Court for its action, and in all cases not herein enumerated in which this Court shall be called on to determine the right of said real estate agents to receive such rebate or discount; *provided*, the bill for said advertising shall have been actually paid by said real estate agent, and shall not have been refunded to him within ninety days from the day of sale by any person, nor received by him within that time from the proceeds of said sale."

CORPORATIONS—LOST CERTIFICATES OF STOCK—VA. CODE 1904, SEC. 1105E (37) AND (38).—Sec. 1135 of the Code of 1887 provided how a new certificate of stock in a corporation might be issued when the former one was lost. This section was repealed, Acts 1904, p. 370, and there seems now to be no provision concerning the re-issuing of lost certificates except sec. 1105e (37 and 38), Va. Code 1904. These sections refer only to certificates of stock in corporations organized under the act concerning corporations, which became a law May 21, 1903, thus leaving unprovided for reissuing of lost certificates of stock in corporations organized prior to the act last mentioned.

THE LAWYER'S PRAYER.—O Lord, our heavenly Father, who in thy providence hast appointed governors, thy ministers, to dispense thy laws among all nations: grant that we and all thy servants ministering in things per-

taining to justice, may faithfully fulfill the duties of our calling, with a single eye to thy glory, and a humble dependence upon thy heavenly blessing. Mercifully, we beseech thee, turn us away from all undue love of wealth and earthly power; keep us from all pride, malice, and evil speaking; preserve us from the fear of evil men and the contagion of ill-example; strengthen in us the love of truth, justice, and mercy; and so quicken our hearts with love towards thee that we, loving thee above all things, may so love our fellow creatures even as thou hast loved us. Grant this, O Lord, for Jesus Christ's sake, our only Saviour and Redeemer. Amen.—*From Edward O'Brien's "The Lawyer, His Character and Rule of Holy Life."*

MERGER OF CORPORATIONS, VA. CODE, SEC. 1105E (41).—The following order entered by the Corporation Commission January 27, 1905, is interesting as illustrative of a new procedure:

In re. The merger of the Virginia Beneficial and Insurance Company with the Tidewater Mutual Aid Association of Virginia as a consolidated corporation under the name of the Virginia Beneficial and Insurance Company, Incorporated.

This day there was presented to the State Corporation Commission two certificates by the Virginia Beneficial and Insurance Company and the Tidewater Mutual Aid Association of Virginia, respectively signed, executed and acknowledged by the president and secretary of each of said two corporations with the respective corporate seals, attested by the secretary of each corporation, affixed thereto, said certificates being accompanied by an agreement bearing date the 30th day of December, 1904, and properly executed by the officers of the said two corporations; said certificates and agreement having for their object to effect a merger and consolidation of the capital stock, franchises, property and business of the said two corporations into one consolidated, or merged corporation to be known as the Virginia Beneficial and Insurance Company, Incorporated. And it appearing from the said papers that the said agreement was entered into between the boards of directors of the two said corporations; and that it was submitted to the stockholders of each of the said two corporations and separately at meetings called and held as required by law, and that at each of said meetings on votes taken by ballot more than a majority of the entire capital stock of each of said two corporations respectively was cast in each of said meetings in favor of said agreement, consolidation and merger; and it further appearing from said papers that all of the requirements of sec. 41 of chapter 5 of An Act of the General Assembly of Virginia, entitled "An Act Concerning Corporations," which became a law on the 21st day of May, 1903, have been complied with by the said two corporations and that the charter fee required by law has been paid:

The State Corporation Commission doth certify that it has ascertained and doth now declare that the said two corporations, the Virginia Beneficial and Insurance Company, created by an order entered by the Corporation Court of the City of Norfolk, and the Tidewater Mutual Aid Associa-

tion of Virginia, created by an order entered by the Corporation Court of the City of Newport News, have complied with the requirements of the law, and have entitled themselves to a merger and consolidation of the said two corporations, the single and new corporation so created by merger and consolidation to be known under and by the name of the Virginia Beneficial and Insurance Company, Incorporated, in accordance with the terms and provisions, and subject to all the conditions contained in the said agreement or articles of consolidation bearing date the 30th day of December, 1904, to the same extent as if the said agreement were now herein transcribed in full. And the said single consolidated corporation, the Virginia Beneficial and Insurance Company, Incorporated, is declared to be created pursuant to the provisions relating to merger and consolidation of corporations in the said Act of the General Assembly of Virginia entitled, "An Act Concerning Corporations," which became a law on the 21st day of May, 1903, and to have all the powers and privileges conferred and be subject to all conditions and restrictions imposed by law.

And the said certificates presented to the Commission by the said two constituent corporations, together with the said agreement, are with this order, certified to the Secretary of the Commonwealth for record as required by law.

VIRGINIA CASES ANNOTATED IN THE VIRGINIA LAW REGISTER.—Following the lists given in our previous issues, we give below a list of all the Virginia cases which have been *annotated* in the VIRGINIA LAW REGISTER :

91 VA.

Brown v. Epps, 91 Va. 726, 1 Va. Law Reg. 14.
Chapman v. Chapman, 91 Va. 397, 1 Va. Law Reg. 195.
Clark v. Oliver, 91 Va. 421, 1 Va. Law Reg. 189.
Clinch River etc. v. Harrison, 91 Va. 122, 1 Va. Law Reg. 37.
Farrish v. Wayman, 91 Va. 430, 1 Va. Law Reg. 214.
Filler v. Tyler, 91 Va. 458, 1 Va. Law Reg. 345.
Goodell v. Gibbons, 91 Va. 608, 1 Va. Law Reg. 340.
Lynchburg National Bank v. Scott, 91 Va. 652, 1 Va. Law Reg. 357.
National Mut. B. & L. Ass'n v. Ashworth, 91 Va. 706, 1 Va. Law Reg. 519.
Nicholas v. Commonwealth, 91 Va. 813, 1 Va. Law Reg. 369.
N. & W. R. R. Co. v. Nuckols, adm'r, 91 Va. 193, 1 Va. Law Reg. 579.
Preston v. Salem Imp. Co., 91 Va. 583, 1 Va. Law Reg. 447.
Reusens v. Lawson, 91 Va. 226, 1 Va. Law Reg. 494.
Stuart v. Commonwealth, 91 Va. 152, 1 Va. Law Reg. 97.
Taylor v. Netherwood, 91 Va. 88, 1 Va. Law Reg. 27.

92 VA.

Braxton v. Bell, 92 Va. 229, 1 Va. Law Reg. 675.
Bumgardner v. Harris, 92 Va. 188, 1 Va. Law Reg. 590.
Campbell v. McBee, 92 Va. 68, 1 Va. Law Reg. 450.

C. & O. Ry. Co. v. Am. Exchange Bank, 92 Va. 495, 1 Va. Law Reg. 825.
Duval v. Cheff, 92 Va. 489, 1 Va. Law Reg. 895.
Munford v. McVeigh, 92 Va. 446, 1 Va. Law Reg. 734.
Pillow v. Southwest Va. Imp. Co., 92 Va. 144, 1 Va. Law Reg. 662.
Price v. Planters Nat. Bank, 92 Va. 468, 1 Va. Law Reg. 813.
Staunton Perpet. B. & L. Co. v. Haden, 92 Va. 201, 1 Va. Law Reg. 655.
Stover v. Commonwealth, 92 Va. 780, 1 Va. Law Reg. 601.
Strouther v. Commonwealth, 92 Va. 789, 1 Va. Law Reg. 597.
Violett v. City of Alexandria, 92 Va. 561, 1 Va. Law Reg. 901.
Wood v. Walker, 92 Va. 24, 1 Va. Law Reg. 442.
Anderson v. Hygeia Hotel Co., 92 Va. 687, 2 Va. Law Reg. 21.
Morotock Ins. Co. v. Rodefer, 92 Va. 747, 2 Va. Law Reg. 196.
Nye v. Lovitt, 92 Va. 710, 2 Va. Law Reg. 29.
Richmond Ry. & Elec. Co. v. Bowles, 92 Va. 738, 2 Va. Law Reg. 14.
Smith v. Smith's Adm'r, 92 Va. 696, 2 Va. Law Reg. 40.
Williams v. Watkins, 92 Va. 680, 2 Va. Law Reg. 183.

93 VA.

Bertha Zinc Co. v. Martin's Adm'r, 93 Va. 791, 2 Va. Law Reg. 838.
Clason v. Parrish, 93 Va. 24, 2 Va. Law Reg. 188.
Collins v. Christian, 93 Va. 1, 2 Va. Law Reg. 103.
Columbia Accident Ass'n v. Rockey, 93 Va. 678, 2 Va. Law Reg. 661.
Connell's Ex'ors v. C. & O. Ry. Co., 93 Va. 44, 2 Va. Law Reg. 204.
Fackler v. Berry, 93 Va. 565, 2 Va. Law Reg. 531.
Fayette Land Co. v. L. & N. R. Co., 93 Va. 274, 2 Va. Law Reg. 356.
Fidelity L. & T. Co. v. Dennis, 93 Va. 504, 2 Va. Law Reg. 438.
Gleaves v. Terry, 93 Va. 491, 2 Va. Law Reg. 442.
Hall v. Ratliff, 93 Va. 327, 2 Va. Law Reg. 434.
Hockman v. Hockman, 93 Va. 455, 2 Va. Law Reg. 523.
Kane v. Mann, 93 Va. 239, 2 Va. Law Reg. 426.
Kaufman v. Charlottesville Woolen Mills, 93 Va. 673, 2 Va. Law Reg. 669.
Kiracofe v. Kiracofe, 93 Va. 591, 2 Va. Law Reg. 527.
Lacee v. Palmer, 93 Va. 159, 2 Va. Law Reg. 82.
L. & N. R. Co. v. Taylor, 93 Va. 226, 2 Va. Law Reg. 371.
Long v. Pence's Committee, 93 Va. 584, 2 Va. Law Reg. 607.
Magarity v. Shipman, 93 Va. 64, 2 Va. Law Reg. 270.
Mills v. Commonwealth, 93 Va. 815, 2 Va. Law Reg. 675.
Nickels v. Peoples B., L. & S. Ass'n, 93 Va. 380, 2 Va. Law Reg. 515.
N. & W. Ry. Co. v. Ampey, 93 Va. 108, 2 Va. Law Reg. 284.
State Savings Bank v. Baker, 93 Va. 510, 2 Va. Law Reg. 450.
Sulphur Mines Co. v. Thompson, 93 Va. 293, 2 Va. Law Reg. 588.
Price v. Smith, 93 Va. 14, 2 Va. Law Reg. 348.
Prison Ass'n of Va. v. Ashby, 93 Va. 667, 2 Va. Law Reg. 899.
Warren v. Warren, 93 Va. 73, 2 Va. Law Reg. 192.

94 VA.

Emerson v. Fay, 94 Va. 60, 2 Va. Law Reg. 834.
Mahoney v. James, 94 Va. 176, 2 Va. Law Reg. 893.
Rosenbaum's Ex'r's v. Seddon, 94 Va. 575, 3 Va. Law Reg. 270.
Spence v. Repass, 94 Va. 716, 3 Va. Law Reg. 426.
Morris v. Deane, 94 Va. 572, 3 Va. Law Reg. 225.
Mumpower v. City of Bristol, 94 Va. 737, 3 Va. Law Reg. 439.
Grubbs v. National Life etc. Co., 94 Va. 589, 3 Va. Law Reg. 279.
Haskin etc. Co. v. Cleveland etc. Co., 94 Va. 439, 3 Va. Law Reg. 108.
Kibler v. Commonwealth, 94 Va. 804, 3 Va. Law Reg. 99.
Thomas v. Jones, 94 Va. 756, 3 Va. Law Reg. 523.
Long, Trustee, v. Meriden Britannia Co., 94 Va. 594, 3 Va. Law Reg. 287.
Preston v. Kindrick, 94 Va. 760, 3 Va. Law Reg. 431.

95 VA.

Thom's Ex'r's v. Thom, 95 Va. 413, 3 Va. Law Reg. 729.
Petticolas v. City of Richmond, 95 Va. 456, 3 Va. Law Reg. 803.
Bradley Salt Co. v. Norfolk etc. Co., 95 Va. 461, 3 Va. Law Reg. 722.
Dezendorf v. Humphreys, 95 Va. 473, 3 Va. Law Reg. 793.
Evans v. Roanoke Savings Bank, 95 Va. 294, 3 Va. Law Reg. 705.
Fulkerson v. Treasurer of Bristol, 95 Va. 1, 3 Va. Law Reg. 363.
Crabtree v. Old Dominion B. & L. Ass'n, 95 Va. 670, 4 Va. Law Reg. 12.
Stoneburner v. Motley, 95 Va. 784, 4 Va. Law Reg. 163.
Burrows v. Smith, 95 Va. 694, 4 Va. Law Reg. 104.

96 VA.

Wilson v. Dawson, 96 Va. 687, 4 Va. Law Reg. 748.
Camp v. Bruce, 96 Va. 521, 4 Va. Law Reg. 743.
Carter v. Commonwealth, 96 Va. 791, 4 Va. Law Reg. 822.
Citizens Nat. Bank. v. Walton, 96 Va. 435, 4 Va. Law Reg. 591.
City of Charlottesville v. Maury, 96 Va. 383, 4 Va. Law Reg. 499.
Doooley v. Christian, 96 Va. 534, 4 Va. Law Reg. 675.
Fadeley's Adm'r v. Williams, 96 Va. 397, 4 Va. Law Reg. 508.
Foster v. Commonwealth, 96 Va. 306, 4 Va. Law Reg. 503.
Home Life Ins. Co. v. Sibert, 96 Va. 403, 4 Va. Law Reg. 494.
Jones v. Jones, Ex'r, 96 Va. 749, 4 Va. Law Reg. 818.
Liberty Sav. Bank v. Otter View Land Co., 96 Va. 352, 4 Va. Law Reg. 455.
Moore v. Triplett, 96 Va. 603, 4 Va. Law Reg. 681.
Osborne v. Big Stone Gap etc. Co., 96 Va. 58, 4 Va. Law Reg. 365.
Ramsburg v. Kline, 96 Va. 465, 4 Va. Law Reg. 584.
Russell Creek Coal Co. v. Wells, 96 Va. 416, 4 Va. Law Reg. 597.
Tate v. The Bank, 96 Va. 765, 5 Va. Law Reg. 26.

97 VA.

Va. Coal Co. v. Thomas, 97 Va. 527, 5 Va. Law Reg. 545.
Va. Midland R. Co. v. Barbour, 97 Va. 118, 5 Va. Law Reg. 166.

Tenant v. Dunlop, 97 Va. 234, 5 Va. Law Reg. 215.
Wisecarver v. Wisecarver, 97 Va. 452, 5 Va. Law Reg. 462.
Rowe's Adm'r v. Hardy's Adm'r, 97 Va. 674, 5 Va. Law Reg. 666.
Sanders v. Coleman, 97 Va. 690, 5 Va. Law Reg. 675.
Cussen v. Brandt & Dunlop, 97 Va. 1, 5 Va. Law Reg. 98.
Slaughter v. Smither, 97 Va. 202, 5 Va. Law Reg. 311.
Spencer's Adm'r v. Field, 97 Va. 38, 5 Va. Law Reg. 158.
N. & W. R. Co. v. Reeves, 97 Va. 284, 5 Va. Law Reg. 233.
Phillips v. University of Virginia, 97 Va. 472, 5 Va. Law Reg. 466.
Portsmouth Gas Co. v. Sanford, 97 Va. 124, 5 Va. Law Reg. 172.
Maia v. Eastern State Hospital, 97 Va. 507, 5 Va. Law Reg. 534.
Lockhart v. Vandyke, 97 Va. 356, 5 Va. Law Reg. 303.
McAllister v. Harman, 97 Va. 543, 5 Va. Law Reg. 529.
Hughes v. City of Staunton, 97 Va. 518, 5 Va. Law Reg. 521.
Gate City v. Richmond, 97 Va. 337, 5 Va. Law Reg. 391.
Allen v. Patrick, 97 Va. 521, 5 Va. Law Reg. 523.
Ayers v. Hite, 97 Va. 466, 5 Va. Law Reg. 471.
Baker v. Swineford, 97 Va. 112, 5 Va. Law Reg. 177.
Bristol etc. Co. v. Bristol, 97 Va. 304, 5 Va. Law Reg. 242.

98 VA.

Thomas v. Jones, 98 Va. 323, 6 Va. Law Reg. 232.
Tidball v. Shenandoah Nat. Bank, 98 Va. 768, 6 Va. Law Reg. 638.
Trevett v. Prison Ass'n of Va., 98 Va. 332, 6 Va. Law Reg. 148.
Va. Development Co. v. Rich Patch I. Co., 98 Va. 700, 6 Va. Law Reg. 549.
Va.-Tenn. Coal etc. Co. v. McClelland, 98 Va. 424, 6 Va. Law Reg. 166.
Washington etc. Ry. Co. v. Alexandria, 98 Va. 344, 6 Va. Law Reg. 316.
Riverview Land Co. v. Dance, 98 Va. 239, 6 Va. Law Reg. 35.
Runkle v. Runkle, 98 Va. 663, 6 Va. Law Reg. 613.
Sands' Adm'r v. Durham, 98 Va. 392, 6 Va. Law Reg. 248.
Smith v. Miller, 98 Va. 535, 6 Va. Law Reg. 401.
So. Ry. Co. v. Dawson, 98 Va. 577, 6 Va. Law Reg. 463.
So. Ry. v. Glenn's Adm'r, 98 Va. 309, 6 Va. Law Reg. 222.
So. Ry. v. Wilcox, 98 Va. 222, 6 Va. Law Reg. 46.
Tate's Ex'r v. Jones, 98 Va. 544, 6 Va. Law Reg. 408.
Poindexter v. May, 98 Va. 143, 6 Va. Law Reg. 382.
New York etc. R. Co. v. Cromwell, 98 Va. 227, 6 Va. Law Reg. 94.
Oeters v. Supreme Lodge of Knights of Honor, 98 Va. 201, 6 Va. Law Reg. 99.
Overholt v. Old Dominion Mfg. Co., 98 Va. 654, 6 Va. Law Reg. 559.
Litchfield v. Preston, 98 Va. 530, 6 Va. Law Reg. 397.
London-Va. Mining Co. v. Moore, 98 Va. 256, 6 Va. Law Reg. 41.
Marye, Auditor, v. Diggs, 98 Va. 749, 6 Va. Law Reg. 618.
Milhiser v. McKinley, 98 Va. 207, 6 Va. Law Reg. 309.
Montgomery v. Commonwealth, 98 Va. 840, 6 Va. Law Reg. 477.
Fry v. Stowers, 98 Va. 417, 6 Va. Law Reg. 258.

Gannaway v. Tate, 98 Va. 789, 6 Va. Law Reg. 617.
Harrison v. Wissler, 98 Va. 597, 6 Va. Law Reg. 471.
Hubble v. Poff, 98 Va. 646, 6 Va. Law Reg. 557.
Jackson v. Commonwealth, 98 Va. 845, 6 Va. Law Reg. 172.
Kelly v. Hamblen, 98 Va. 383, 6 Va. Law Reg. 178.
King v. Wilson, 98 Va. 259, 6 Va. Law Reg. 103.
Lambert v. Smith, 98 Va. 268, 6 Va. Law Reg. 45.
Land v. Shipp, 98 Va. 284, 6 Va. Law Reg. 158.
Adkins v. City of Richmond, 98 Va. 91, 6 Va. Law Reg. 84.
Andes v. Roller, 98 Va. 620, 6 Va. Law Reg. 565.
Andrews v. Roanoke B. A. & I. Co., 98 Va. 445, 6 Va. Law Reg. 334.
Birmingham v. C. & O. Ry. Co., 98 Va. 548, 6 Va. Law Reg. 411.
Bridgewater etc. Co. v. Strough, 98 Va. 721, 6 Va. Law Reg. 626.
Brown v. Commonwealth, 98 Va. 366, 6 Va. Law Reg. 239.
Burdine v. Burdine, 98 Va. 515, 6 Va. Law Reg. 389.
Campbell v. Eastern B. & L. Ass'n, 98 Va. 729, 6 Va. Law Reg. 632.
Catt v. Oliver, 98 Va. 580, 6 Va. Law Reg. 465.
Va. & N. C. Wheel Co. v. Chalkley, 98 Va. 62, 5 Va. Law Reg. 763.
Wadley v. Commonwealth, 98 Va. 803, 5 Va. Law Reg. 815.
Triplett v. Woodward, 98 Va. 187, 5 Va. Law Reg. 835.
Vashon's Ex'x v. Vashon, 98 Va. 170, 5 Va. Law Reg. 847.
Tabb v. Commonwealth, 98 Va. 47, 5 Va. Law Reg. 740.
Richmond Traction Co. v. Hildebrand, 98 Va. 22, 5 Va. Law Reg. 691.
Metropolitan etc. Ins. Co. v. Rutherford, 98 Va. 195, 5 Va. Law Reg. 842.
McConville v. National Valley Bank, 98 Va. 9, 5 Va. Law Reg. 695.
Jennings v. Commonwealth, 98 Va. 80, 5 Va. Law Reg. 769.
Kirschbaum v. Blair, 98 Va. 35, 5 Va. Law Reg. 748.
Hirth v. Hirth, 98 Va. 121, 5 Va. Law Reg. 774.
Home Building etc. Co. v. London, 98 Va. 152, 5 Va. Law Reg. 830.
Carpenter v. Va. Car. Chem. Co., 98 Va. 177, 5 Va. Law Reg. 822.
Conrad's Adm'r v. Fuller, 98 Va. 16, 5 Va. Law Reg. 686.
Florence v. Morien, 98 Va. 26, 5 Va. Law Reg. 757.
Allen v. Commonwealth, 98 Va. 80, 5 Va. Law Reg. 769.
Eaves v. Vial, 98 Va. 134, 6 Va. Law Reg. 303.
Fischer v. Lee, 98 Va. 159, 6 Va. Law Reg. 106.
C. & O. Ry. Co. v. Sparrow, 98 Va. 630, 6 Va. Law Reg. 536.
Callaway v. Webster, 98 Va. 790, 7 Va. Law Reg. 40.

99 VA.

Tate v. Winfree, 99 Va. 255, 6 Va. Law Reg. 837.
Rahm v. Klerner, 99 Va. 10, 6 Va. Law Reg. 686.
Richmond Ice Co. v. Crystal Ice Co., 99 Va. 239, 285, 6 Va. Law Reg. 824.
Pace v. Moorman, 99 Va. 246, 6 Va. Law Reg. 829.
N. & W. Ry. Co. v. Old Dominion Baggage Co., 99 Va. 111, 6 Va. Law Reg. 693.

Montgomery v. Commonwealth, 99 Va. 833, 6 Va. Law Reg. 762.
Manuel v. N. & W. R. Co., 99 Va. 188, 6 Va. Law Reg. 776.
Lee etc. v. Willis, 99 Va. 16, 6 Va. Law Reg. 691.
First Nat. Bank v. Terry's Adm'r, 99 Va. 194, 6 Va. Law Reg. 770.
City of Richmond v. Leaker, 99 Va. 1, 6 Va. Law Reg. 680.
Coalter v. Bargamin, 99 Va. 65, 6 Va. Law Reg. 756.
Core v. City of Norfolk, 99 Va. 190, 6 Va. Law Reg. 767.
C. & O. Ry. Co. v. Rison, 99 Va. 18, 6 Va. Law Reg. 665.
Bond v. Godsey, 99 Va. 564, 7 Va. Law Reg. 264.
Virginia B. & L. Co. v. Glenn, 99 Va. 460, 7 Va. Law Reg. 314.
Virginia-Car. Ry. Co. v. Booker, 99 Va. 633, 7 Va. Law Reg. 409.
Watts v. Commonwealth, 99 Va. 872, 7 Va. Law Reg. 415.
Wilson v. Wall, 99 Va. 353, 7 Va. Law Reg. 43.
Davis v. Anderson, 99 Va. 620, 7 Va. Law Reg. 399.
First Nat. Bank of Richmond v. Holland, 99 Va. 495, 7 Va. Law Reg. 204.
Fitzgerald v. Irby, 99 Va. 81, 7 Va. Law Reg. 174.
Thomas v. Snead, Commissioner, 99 Va. 613, 7 Va. Law Reg. 393.
Vashon v. Barrett, 99 Va. 344, 7 Va. Law Reg. 36.
Vaught v. Meador, 99 Va. 569, 7 Va. Law Reg. 341.
Repass v. Richmond, 99 Va. 508, 7 Va. Law Reg. 196.
Sharitz v. Moyers, 99 Va. 519, 7 Va. Law Reg. 333.
So. Ry. Co. v. Wilcox, 99 Va. 394, 7 Va. Law Reg. 381.
South Roanoke Land Co. v. Roberts, 99 Va. 487, 7 Va. Law Reg. 247.
Steinman v. Vicars, 99 Va. 595, 7 Va. Law Reg. 259.
Oppenheim v. Myers, 99 Va. 582, 7 Va. Law Reg. 269.
Bankers' Loan etc. Co. v. Blair, 99 Va. 606, 7 Va. Law Reg. 253.
Lantz v. Massie, 99 Va. 709, 7 Va. Law Reg. 538.
Leavell v. Smith, 99 Va. 374, 7 Va. Law Reg. 191.
Lindsey v. Eckels, 99 Va. 668, 7 Va. Law Reg. 547.
Lowman v. Crawford, 99 Va. 688, 7 Va. Law Reg. 551.
Miller v. Black Rock Springs Imp. Co., 99 Va. 747, 7 Va. Law Reg. 556.
King v. N. & W. Ry. Co., 99 Va. 625, 7 Va. Law Reg. 403.
Cattlett v. Alsop, 99 Va. 680, 7 Va. Law Reg. 625.
C. & W. R. Co. v. Washington etc. R. Co., 99 Va. 715, 7 Va. Law Reg. 611.
Boyd v. McKee, 99 Va. 72, 7 Va. Law Reg. 167.
Bunting v. Cockran, 99 Va. 558, 7 Va. Law Reg. 327.

100 VA.

Morse & Rogers v. Kaufman, 100 Va. 218, 8 Va. Law Reg. 41.
Neff v. Ryman, 100 Va. 521, 8 Va. Law Reg. 497.
Newport News etc. Co. v. Bradford, 100 Va. 231, 8 Va. Law Reg. 102.
Nicholas v. Nicholas, 100 Va. 660, 8 Va. Law Reg. 661.
N. & W. R. Co. v. Tanner, 100 Va. 379, 8 Va. Law Reg. 182.
Offield v. Davis, 100 Va. 250, 8 Va. Law Reg. 29.
Perry etc. Co. v. Reynolds, 100 Va. 264, 8 Va. Law Reg. 111.

Jones v. Commonwealth, 100 Va. 842, 8 Va. Law Reg. 351.
Kinzie v. Riley, 100 Va. 709, 8 Va. Law Reg. 647.
Land v. Shipp, 100 Va. 337, 8 Va. Law Reg. 170.
Stuart v. Peñnis, 100 Va. 612, 8 Va. Law Reg. 559.
Tyack v. Berkeley, 100 Va. 296, 8 Va. Law Reg. 21.
United States etc. Guaranty Co. v. Peebles, 100 Va. 585, 8 Va. Law Reg. 493.
University of Va. v. Snyder, 100 Va. 567, 8 Va. Law Reg. 415.
Powers v. Carter etc. Co., 100 Va. 450, 8 Va. Law Reg. 344.
Richmond etc. Ry. Co. v. Hudgins, 100 Va. 409, 8 Va. Law Reg. 334.
Howbert v. Cawthorne, 100 Va. 649, 8 Va. Law Reg. 565.
Hoy v. Varney, 100 Va. 600, 8 Va. Law Reg. 666.
Goldsberry v. Carter, 100 Va. 438, 8 Va. Law Reg. 276.
Hancock v. Whitehall etc., 100 Va. 443, 8 Va. Law Reg. 265.
Hardaway v. Jones, 100 Va. 481, 8 Va. Law Reg. 271.
Stewart v. Conrad, 100 Va. 128, 7 Va. Law Reg. 767.
Fitzpatrick v. Fitzpatrick, 100 Va. 552, 8 Va. Law Reg. 437.
Fulkerson v. Taylor, 100 Va. 426, 8 Va. Law Reg. 255.
Dickenson v. Gray, 100 Va. 526, 8 Va. Law Reg. 487.
Dudley v. Minor, 100 Va. 728, 8 Va. Law Reg. 640.
Redford v. Clarke, 100 Va. 115, 7 Va. Law Reg. 851.
Anderson v. Commonwealth, 100 Va. 860, 8 Va. Law Reg. 657.
Bank of Radford v. Kirby, 100 Va. 498, 8 Va. Law Reg. 551.
Brown v. N. & W. R. Co., 100 Va. 619, 8 Va. Law Reg. 574.
National Valley Bank v. Hancock, 100 Va. 101, 7 Va. Law Reg. 774.
O'Boyle v. Commonwealth, 100 Va. 785, 7 Va. Law Reg. 691.
Frasier v. Littleton, 100 Va. 9, 7 Va. Law Reg. 620.
Hutchinson v. Maxwell, 100 Va. 169, 7 Va. Law Reg. 785.
Connelly v. W. U. Tel. Co., 100 Va. 51, 7 Va. Law Reg. 704.
Boisseau v. Bass' Adm'r, 100 Va. 207, 7 Va. Law Reg. 859.
Bass' Adm'r v. Norfolk Ry. etc. Co., 100 Va. 1, 7 Va. Law Reg. 632.
Rowland Lumber Co. v. Ross, 100 Va. 275, 8 Va. Law Reg. 120.

101 VA.

Blanton v. Heckscher, 101 Va. 42, 8 Va. Law Reg. 637.
W. R. Trigg Co. v. Lindsay, 101 Va. 193, 8 Va. Law Reg. 811.
So. Ry. Co. v. Gregg, 101 Va. 308, 8 Va. Law Reg. 873.
Richmond etc. Co. v. Steger, 101 Va. 319, 8 Va. Law Reg. 882.
Roanoke v. Bolling, 101 Va. 182, 8 Va. Law Reg. 868.
Norfolk etc. Terminal Co. v. Morris, 101 Va. 422, 9 Va. Law Reg. 228.
Sun Life etc. Co. v. Bailey, 101 Va. 443, 9 Va. Law Reg. 187.
White v. Sayers, 101 Va. 821, 9 Va. Law Reg. 714.
Young v. Hart, 101 Va. 480, 9 Va. Law Reg. 540.
Honaker v. Duff, 101 Va. 675, 9 Va. Law Reg. 488.
Keister v. Cubine, 101 Va. 768, 9 Va. Law Reg. 597.
Lusk v. Pelter, 101 Va. 790, 9 Va. Law Reg. 636.
Geil v. Geil, 101 Va. 773, 9 Va. Law Reg. 530.
American Hide etc. Co. v. Chalkley, 101 Va. 458, 9 Va. Law Reg. 199.

Bare v. Williams, 101 Va. 800, 9 Va. Law Reg. 632.
Hudson v. Barham, 101 Va. 63, 8 Va. Law Reg. 736.
Furst Bros. v. Banks, 101 Va. 208, 8 Va. Law Reg. 821.
Henley v. Cottrell etc. Co., 101 Va. 70, 8 Va. Law Reg. 742.
Reid v. Garnett, 101 Va. 47, 8 Va. Law Reg. 723.
Hunton v. Wood, 101 Va. 54, 8 Va. Law Reg. 729.
Farmville v. Walker, 101 Va. 323, 8 Va. Law Reg. 887.
Richmond v. Smith, 101 Va. 161, 8 Va. Law Reg. 801.
Pettyjohn v. Bank, 101 Va. 111, 8 Va. Law Reg. 791.
Young v. Commonwealth, 101 Va. 853, 9 Va. Law Reg. 618.

102 VA.

Va. etc. Ins. Co. v. Richmond Mica Co., 102 Va. 429, 9 Va. Law Reg. 981.
Sanger v. C. & O. Ry. Co., 102 Va. 86, 9 Va. Law Reg. 881.
Sav. Bank etc. v. Powhatan Clay etc. Co., 102 Va. 274, 9 Va. Law Reg. 898.
Seaboard etc. R. Co. v. Hickey, 102 Va. 394, 9 Va. Law Reg. 1048.
So. Ry. Co. v. Hall, 102 Va. 135, 9 Va. Law Reg. 780.
Parlett v. Dunn, 102 Va. 459, 9 Va. Law Reg. 1053.
Reed & McCormick v. Gold, 102 Va. 37, 9 Va. Law Reg. 784.
Richmond etc. Ry. Co. v. Martin, 102 Va. 201, 9 Va. Law Reg. 891.
Moss v. Harwood, 102 Va. 386, 9 Va. Law Reg. 1042.
Newberry v. Ruffin, 102 Va. 73, 9 Va. Law Reg. 869.
Ginter v. Shelton, 102 Va. 185, 9 Va. Law Reg. 812.
Berkeley & Harrison v. Green, 102 Va. 378, 9 Va. Law Reg. 977.
Charlottesville v. Stratton, 102 Va. 95, 9 Va. Law Reg. 864.
Dinning v. Dinning, 102 Va. 467, 9 Va. Law Reg. 1065.
Funkhouser v. Spahr, 102 Va. 306, 9 Va. Law Reg. 954.
Collins v. George, 102 Va. 509, 10 Va. Law Reg. 27.
Colin v. Wellford, 102 Va. 581, 10 Va. Law Reg. 35.
Standard Sewing Machine Co. v. Gunter, 102 Va. 568, 10 Va. Law Reg. 120.
Vaughan v. Va. Fire & Marine Ins. Co., 102 Va. 541, 10 Va. Law Reg. 126.
So. Ry. Co. v. Glenn, 102 Va. 529, 10 Va. Law Reg. 131.
Old Dominion S. S. Co. v. Commonwealth, 102 Va. 576, 10 Va. Law Reg. 141.
Atlantic Coast Line Ry. Co. v. Commonwealth, 102 Va. 599, 10 Va. Law Reg. 146.
Balto. & O. R. Co. v. First Nat. Bank, 102 Va. 753, 10 Va. Law Reg. 190.
Taylor v. Commonwealth, 102 Va. 759, 10 Va. Law Reg. 219.
Hortenstine v. Virginia-Carolina Ry. Co., 102 Va. 914, 10 Va. Law Reg. 312.
Virginia etc. v. Clowers, 102 Va. 867, 10 Va. Law Reg. 328.
Wheby v. Moir, 102 Va. 875, 10 Va. Law Reg. 335.
Ratliff v. Ratliff, 102 Va. 880, 10 Va. Law Reg. 339.